

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

William Robert Shaw,

Plaintiff,

Case No. 19-CV-1059

V.

MINUTE SHEET

Terrence Gordon, Timothy A. Hauf,
Michael Antoniak, Vincent Andrysczyk,
Thomas J. Slowinski, Kristopher
Maduscha,

Defendants.

Hon. William C. Griesbach, presiding.

Deputy Clerk: Tony Byal

Type of Proceeding: JURY TRIAL

Dates: December 1, 2021 – December 3, 2021

Court Reporter: John Schindhelm

Appearances: **Plaintiff:** Ryan Walsh, Amy Miller

Defendants: Yolanda McGowan, Jennifer DeMaster

Comments:

WEDNESDAY, December 1, 2021

8:30 AM Judge Griesbach meets with all counsel in chambers until 9:00 AM.
(Proceedings on hold as plaintiff has not been produced.)

9:40 AM Court convenes. Appearances noted. Court addresses counsel regarding late start. Milwaukee County Jail received writ for plaintiff's appearance but did not schedule a transport. Deputy Marshal working with Milwaukee County Jail to get plaintiff transported to the building.

9:41 AM US Marshal requests that plaintiff remain in shackles due to plaintiff facing significant amount of time in state case and previously expressing frustrations with state counsel. Court ORDERS plaintiff to remain shackled for duration of trial. Court notes table skirts will cover plaintiff's shackles.

Court notes screening order erroneously vacated body cavity search claim. Court will include that claim in this case rather than vacating screening order. Court also notes case had no motions filed. Claims at issue for trial: unconstitutional stop of vehicle; 2) if arrest was made with probable cause; 3) unreasonable strip search; and 4) unreasonable body cavity search. Mr. Walsh advises of a fifth claim re supervisor liability; Court considers that as part of the search claims.

9:50 AM Ms. DeMaster asks to take witness testimony out of order to allow proper setup of plaintiff's Zoom witness. Plaintiff does not object. Court approves.

9:53 AM Court in recess. (Court directs US Marshals to transport plaintiff to building.)

10:43 AM Plaintiff arrives in courtroom.

10:46 AM Court reconvenes. 14 jurors will be seated in the jury box with additional jurors seated in gallery during for *voir dire*. Will qualify 14 jurors; 3 strikes for each counsel to end up with a jury of 8 with no alternates designated.

10:47 AM Court in recess.

10:50 AM Court reconvenes. Jury panel enters courtroom.

10:53 AM Case called. Appearances noted.
Court's preliminary statements to panel.

11:01 AM Jury panel is sworn.
Voir dire begins.

11:29 AM Juror #7 excused due to personal conflict.
Juror #20 randomly selected to replace juror #7.

11:31 AM Sidebar

11:33 AM *Voir dire* continues – individual questioning of Jurors #8 and #2.

11:34 AM Court finds Jurors # 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 15, 16, and 20 are qualified to serve.
Court provides further instruction to jury panel as parties make strikes.

11:45 AM Sidebar (*Jurors struck for cause: 1, 4, 6, 10, 16, 20*)

11:53 AM End of sidebar.
Jurors 2, 3, 8, 9, 11, 12, 13, and 15 have been selected to serve for trial.

11:54 AM Court dismisses remainder of jury panel.
Lunch recess; jury exits.

1:18 PM Plaintiff enters courtroom.

1:21 PM Court reconvenes.

1:23 PM Jury enters. Jury sworn.

1:24 PM Plaintiff's opening statements by Mr. Walsh.

1:32 PM Defendants' opening statements by Ms. McGowan.

1:59 PM Court advises jurors they may take notes. (*CSO provides jurors with notebooks and pens.*)

2:00 PM Plaintiff calls **William Robert Shaw.**
Witness sworn.
Direct examination by Mr. Walsh.

2:02 PM **Exhibit 1 is offered, received without objection, and published to the jury.**

2:46 PM **Exhibit 1009 is offered, received without objection, and published to the jury.**

2:49 PM Cross-examination by Ms. DeMaster.

2:56 PM Ms. DeMaster moves to admit **Exhibit 1002**. Mr. Walsh requests sidebar.

3:00 PM Court instructs Ms. DeMaster to rephrase question.
Cross-examination continues.

3:07 PM **Exhibit 1001 is offered, received without objection, and published to the jury.**

3:12 PM Ms. DeMaster moves to admit **Exhibit 1005**. Objection. Sustained.

3:13 PM Jury exits for recess.

3:15 PM Court reminds the defense that the Internal Affairs investigation is off limits.
Recess

3:30 PM Court reconvenes; discusses housekeeping matters with parties.

3:34 PM Jury enters courtroom.
Cross-examination continues.

3:35 PM **Exhibit 1003 is offered.** Objection hearsay. Court directs counsel to question Mr. Shaw further before introducing exhibit.

3:40 PM **Exhibit 1024** is referenced. Exhibit not offered.

3:42 PM Redirect by Mr. Walsh.

3:45 PM **Exhibit 2 is offered, received without objection, and published to the jury.**

3:49 PM No recross.
Jury exits.

Recess (*to allow Mr. Shaw to step down from witness stand outside presence of jury.*)
 3:52 PM Court resumes. Jury enters.
 3:52 PM Defense calls **Michael Antoniak** to the stand.
 Witness sworn.
 Direct examination by Ms. DeMaster.
 4:04 PM Ms. DeMaster moves to introduce **Exhibit 1021**. Court notes that the exhibit is a statute. Witness can be questioned about it but the exhibit is not to be published. Court can instruct the jury about the statute if need be.
 4:08 PM **Exhibit 1000** is referenced.
 4:30 PM Cross-examination by Mr. Walsh.
 4:32 PM **Exhibits 30, 23, 1006, 32**, are referenced. Exhibits not offered.
 4:51 PM **Exhibit 1009** is discussed and already admitted.
 4:54 PM Redirect by Ms. DeMaster.
 4:56 PM Witness excused. Jury exits.
 4:58 PM Deputy Marshal confirms Mr. Shaw will be dropped off to building by 7:30 AM tomorrow.
 4:59 PM Court adjourned.

THURSDAY, December 2, 2021

8:28 AM Case called. Appearances noted. Court discusses evidence and witnesses with counsel. Court ORDERS that Mr. Shaw not be shackled today. Court discusses jury instructions with counsel.
 8:33 AM Recess
 Court reconvenes.
 8:43 AM Jury enters.
 8:44 AM Defense calls **Kristopher Maduscha** to the stand.
 Witness sworn.
 Direct by Ms. McGowan.
 9:01 AM Cross by Ms. Miller.
 9:03 AM Redirect
 9:03 AM Witness excused.
 9:06 AM Plaintiff calls **Terrence Gordon** via Zoom.
 Witness sworn.
 Direct by Ms. Miller.
 9:07 AM **Exhibits 7 and 5 are offered and received into evidence pursuant to stipulation.**
 9:20 AM **Exhibit 29 is referenced.** Exhibit not offered.
 9:21 AM Cross by Ms. McGowan.
 9:29 AM Exhibit 5 is discussed further.
 9:31 AM Witness excused.
 9:32 AM Court reads stipulation [231] to jury. Jury will be provided with copy of stipulated facts.
 9:34 AM Plaintiff rests.
 9:34 AM Defense calls **Thomas Slowinski** to the stand.
 Witness sworn.
 Direct by Ms. McGowan.
 9:47 AM **Exhibits 36, 37, 38, 39, and 40 are discussed.** Exhibits not offered.
 9:51 AM Cross by Ms. Miller.
 9:52 AM **Exhibit 36 is referenced.** Exhibit not offered.
 9:55 AM **Exhibit 4 is offered and received pursuant to stipulation.**
 9:58 AM **Exhibit 36 is offered and received.**
 9:59 AM Redirect by Ms. McGowan.
 10:02 AM Witness excused.

Recess. Jury exits.

10:21 AM Court reconvenes. Jury enters.

10:22 AM Defense calls **Vincent Andrysczyk** to the stand.
Witness sworn.
Direct by Ms. McGowan.

10:27 AM Cross by Mr. Walsh.

10:28 AM **Exhibit 51 is referenced.** Exhibit not offered.

10:31 AM **Exhibit 1009 (already admitted) is discussed.**

10:33 AM Redirect by Ms. McGowan.

10:36 AM Witness excused.

10:36 AM Defense calls **Timothy Hauf** to the stand.
Witness sworn.
Direct by Ms. McGowan.

10:41 AM **Exhibits 41, 42, 43, and 44 are referenced.** Exhibits not offered.

10:46 AM **Exhibit 1010 is offered.** Objection hearsay. Sustained.

10:56 AM Cross by Ms. Miller.

10:57 AM **Exhibits 43, 44, and 41 are discussed.** Exhibits not offered.

11:03 AM Witness excused.

11:03 AM Off-the-record sidebar conference requested by Mr. Walsh.

11:05 AM Defense rests.

11:06 AM Court directs the jurors to return by 1:00 PM.
Jury exits.

11:07 AM Defense moves for judgment as a matter of law pursuant to Fed. R. Civ. P. 50. Court hears argument from Ms. DeMaster to grant dismissal with prejudice against all defendants.

11:13 AM Mr. Walsh advises Mr. Shaw is prepared to abandon claim of false arrest.

11:14 AM Court GRANTS judgment as a matter of law on false arrest claim ONLY. This does not result in dismissal of any defendants.
Ms. Miller and Mr. Walsh argue in opposition of dismissal of remaining claims.

11:18 AM Parties discuss adding special interrogatories to jury instructions.

11:19 AM Court takes motion under advisement and will allow case to go to jury.

11:23 AM Recess

12:09 PM Court reconvenes to discuss jury instructions and verdict form.

12:18 PM Recess

1:05 PM Court reconvenes.

1:08 PM Jury enters. *(CSO hands out copies of verdict form to jurors.)*

1:09 PM Court instructs the jury.

1:34 PM Plaintiff's closing arguments by Mr. Walsh.

2:12 PM Defendants' closing arguments by Ms. DeMaster.

3:01 PM Plaintiff's rebuttal arguments by Mr. Walsh.

3:07 PM Court gives further instructions to jurors.

3:11 PM CSO McClinton sworn.

3:12 PM Jury exits to begin deliberation.

3:13 PM Parties discuss admitted exhibits. Defendants' counsel objects to sending plaintiff's Exhibit 36 back to jurors. Court ORDERS plaintiff's **Exhibits 1, 2, 4, 5, 7** and defendants **Exhibits 1001, 1009** to be sent to jury. Court ORDERS plaintiff's Exhibit 36 to be withheld from jury.

3:19 PM Court in recess.

4:55 PM Court reconvenes. Court advises Judge Ludwig will take verdict tomorrow if jury does not come back tonight with verdict. Judge Griesbach will be available by telephone for questions. Court advises that defendants' motion for judgment as a matter of law is still under advisement. Parties do not object to Judge Ludwig reading the verdict tomorrow.

5:15 PM Jury has decided to return tomorrow at 9:00 am to continue deliberations.

Court adjourned for the day.

FRIDAY, December 3, 2021

9:00 AM Jury deliberations continue.
1:00 PM Case called. Appearances noted. Judge Ludwig on the bench to take verdict for Judge Griesbach. Parties acknowledge they have consented to this.
1:01 PM Jury enters.
1:02 PM Court addresses jurors. Juror #3 was elected as foreperson.
1:04 PM Verdict is published for the record. Jury finds in favor of defendants.
1:06 PM Jury polled.
1:07 PM Jury excused.
1:08 PM Court adjourned.
(Admitted exhibits will be maintained in the Clerk's Office.)